

New Filing Complaint

FILED
HARRISBURG, PA

JUL 05 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

~~Demetrius Bailey, 3:17-CV-1166~~Demetrius Bailey

v.

Full name, title, and business address
of each defendant in this action:

1. RENE TULLIS, Brad Ritchey, % Hopwood, % Zakovitch, Brian Davis, Cathy McCarthy, P.A. Boguski, % Leonard, % Behr, % Dunn, % Schmidt, Sgt. Andrews, % Accosta, % Ross, Sgt. Cloud, Sgt. Cloutier, Sgt. Demarevick, % Stadlock, % Jackson, Lt. Leck, Lt. Kilmer, Sgt. Daniels, % McRey, Sgt. Belles, Lt. Eveland, Nurse Pileman, Lisa Means - Barr, Rhonda Turcotte, % Kocky, % Hester, % Emerich, % Huch, % Barrows, % Wiseman, Sgt. Greene, Psych Kaskie, Cilia Martin, Et Al, VINCENT MOONEY, Religious Accommodation Committee

Use additional sheets, if necessary

Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI- APIONWhat sentence are you serving? LIFEWhat court imposed the sentence? Allegheny

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) and docket number

N/A

3. Name of judge to whom case was assigned N/A
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

5. Approximate date of filing lawsuit N/A

6. Approximate date of disposition N/A

- B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A

When? 3

Result: 3

- III. What federal law do you claim was violated? 1st, 8th, 14th

Amendments

- IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: Different Dates
- B. Place of event: SCI-Smithfield Transfer To SCI-Coal Township
- C. Persons involved--name each person and tell what that person did to you:

See ~~Attachment~~

Attachment

May 26, 2017
(Date)

Demetrius Ray, CP 7849
(Signature of Plaintiff)

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Demetrius Bailey
v. Plaintiff

~~_____~~
~~_____~~
~~_____~~

~~_____~~

- 1.) ON 9-15-11, I WAS GIVEN A RETALIATORY-TRANSFER TO SCI-SMITHFIELD FOR FILING COMPLAINTS AND THEN TRANSFER TO SCI-COAL TOWNSHIP.
- 2.) ON 9-29-11, BAILEY'S CELL WAS SEARCHED BY % JACKSON, LT. LEOR AND THEY STARTED READING LEGAL DOCUMENTS PETITION FOR REVIEW AGAINST SMITHFIELD STAFF AND DEFENDANTS JACKSON LEOR ILLEGALLY CONFISCATED PETITION (16) PAGES AND DESTROYED OUT OF RETALIATION. CONFISCATION ITEMS RECEIPT NO. B 354733.
- 3.) ON 10-3-11, I FILED GRIEVANCE # 383548-11 AGAINST JACKSON, LEOR FOR DENIAL OF ACCESS TO COURTS AND DESTROYING LEGAL DOCUMENTS. INITIAL REVIEW RESPONSE DENIES SUPERINTENDENT & FINAL APPEALS DENIED.
- 4.) PLAINTIFF BAILEY REQUESTED REINSTATEMENT OF "CONTACT VISITS" AFTER (16) YEARS STRAIGHT BEING DENY PERMANENTLY IN VIOLATION OF DC-ADM 812, 37 P.S. CO. § 93.3 IN WHICH IS EXCESSIVE.
- 5.) PLAINTIFF IS BEING PERMANENTLY BANNED BY DEFENDANTS VARGANO, DEPUTY MILLER & LUSCAGNE, RENEE FOULDS, COUNSELOR BRAD RITCHEY OUT OF RETALIATION FOR COMPLAINING ABOUT THEIR UNPROFESSIONAL CONDUCT, WHICH REQUIRES INJUNCTIVE RELIEF.
- 6.) ON 2-24-12, I FILE GRIEVANCE # 402953 ABOUT AOD PROGRAM FOR "CONTACT VISITS" BEING PERMANENTLY BANNED. INITIAL REVIEW RESPONSE, SUPERINTENDENT & FINAL APPEALS DENIED.
- 7.) ON 11-23-12, I FILE GRIEVANCE # 439207 ABOUT REINSTATEMENT "CONTACT VISITS" AFTER (16) YEARS OF THIS ILLEGAL PRACTICE AND EQUAL PROTECTION. INITIAL REVIEW RESPONSE SUPERINTENDENT & FINAL APPEALS DENIED.
- 8.) PLAINTIFF'S "CONTACT VISITS" ARE PERSONALLY BEING DENIED BY DEFENDANTS FOULDS RITCHEY OUT OF RETALIATION BASE ON MY PAST HISTORY OF FILING COMPLAINTS.
- 9.) ON 1-23-13, % LEONARD, % BEHNEY, % DUNN, % SCHMIDT, SGT. ANDREWS RUSH AND ATTACKED, ASSAULTED, TORTURE BAILEY BY SLAMMING HIM TO THE GROUND ON HIS LEFT SHOULDER & FACE, % LEONARD REPEATEDLY SLAM THE SIDE OF MY HEAD & FACE ON THE GROUND TO CAUSE PAIN.
- 10.) DEFENDANTS BEHNEY, DUNN, SCHMIDT, SGT. ANDREWS STARTED KICKING, PUNCHING.

while I layed on the ground and then % Behney stab me in the back with something sharp to cause pain & hurt where I was bleeding. Check medical Reports & Color Photographs and ankles & wrists cut. DC-457.
 10.) Defendants Accosta, Rossi, Sgt. Cloutfelter, Sgt. Cloutts, Studlock, Sgt. Dorn-Browski, Lt. Burns ran on the block, A-Block, B-Side, Dayroom and started punching, kicking, twisting my left shoulder to intentionally cause pain. Review Dayroom Videotape.

11.) Defendants Leonard, Behney, Dunn illegally threw Bailey's legal documents in the trash out of retaliation for Bailey's Civil Rights Trial on May 13, 2013.

12.) ON 1-24-13, I file grievance # 447926 about being Assaulted by Defendants and Preserve Dayroom Videotape. Initial Review Response, Superintendent's & Final Appeals Denied.

13.) ON 1-22-13, Defendants Leonard, Behney wrote retaliatory-fabricated misconducts Reports # B245693, B245610 for complaining about being Assaulted.

14.) ON 3-25-13, Defendant Lisa Kerns-Barr found Bailey guilty of retaliatory-fabricated misconducts base on fraud Reports DC-121, OSI Reports without any evidence in violation of Substantive Due Process.

15.) ON 4-28-13, I file grievance # 457944 against Lt. Clark, Lt. Kilmer, Lt. Evelyn, Lt. Burns, Sgt. Belles denying Bailey access to courts by refusing him to present evidence in a Civil Lawsuit Trial for May 13, 2013.

16.) ON 5-9-13, Defendants Lt. Kilmer, Sgt. Drucis, % R. Morey wrote retaliatory-fabricated misconduct # B427223 for filing grievance # 457944.

17.) ON 1-22-13, % Hopwood & % Zakovitch stole/destroy Bailey's legal & personal property out of retaliation for complaining that their Co-Workers Assaulted him.

18.) ON 1-31-13, I file grievance # 448278 about Defendants Hopwood, Zakovitch stealing/destroying legal & personal property. Initial Review Response, Superintendent's & Final Appeals Denied.

19.) Defendants PA Davis & CHCA McCarthy stealing \$10 off my account for chronic problems skin disease at sick call violated DC ADM 820, 37 Pa. Code § 93.12 and without a assessment hearing Substantive Due Process & Equal Protection.

20.) ON 2-10-13, I file grievance # 449100 about stealing money without Assessment Hearing. Initial Review Response, Superintendent's & Final Appeals Denied.

21.) ON 2-28-13, I file grievance # 450595 about PA Davis & CHCA McCarthy stealing \$5 for chronic problems. Initial Review Response, Superintendent's & Final Appeals Denied.

22.) I file Complaint # 13-49-03160 with Department of State against PA Brian Davis & CHCA Kathy McCarthy for denying Bailey medical treatment and stealing money.

- 23.) ON 4-13-13, PA DAVIS & NURSE LORI ALLEMAN WROTE RETALIATORY- FABRICATE MIS-CONDUCT #B427287 FOR BAILEY FILING COMPLAINT #13-49-03160 WITH DEPARTMENT OF STATE AGAINST PA DAVIS.
- 24.) ON 4-28-13, I FILE GRIEVANCE #457944 ABOUT DEFENDANTS DENYING ME ACCESS TO COURTS FOR MAY 13, 2013 COURT TRIAL TO INTRODUCE EVIDENCE. INITIAL REVIEW RESPONSE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 25.) ON 6-21-13, I SIGN UP FOR SICK CALL TO SEE THE DOCTOR & DERMATOLOGIST FOR CHRONIC SKIN DISEASE (5 PEELING, ITCHING, BURNING, BLEEDING) BUT WAS DENIED BY PA DAVIS AND HE SEXUALLY HARASS ME BY WANTING TO SEE MY PENIS.
- 26.) ON 6-25-13, I FILE GRIEVANCE #466613 ABOUT BEING DENIED SERIOUS MEDICAL TREATMENT AND SEXUALLY HARASS. INITIAL REVIEW RESPONSE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 27.) DEFENDANT PA DAVIS CONTINUE TO DENY BAILEY SERIOUS MEDICAL TREATMENT OUT OF RETALIATION FOR FILING COMPLAINTS & GRIEVANCES AGAINST HIM.
- 28.) ON 7-9-13, I PARTICIPATED IN RAMADAN DUE HIS RELIGIOUS BELIEF (MUSLIM) AND AFTER RAMADAN ENDED I WAS DENIED MY EID UL-FITR FEAST AS REQUIRE BY THE OUKON & HADETH AS SIMILARLY SITUATED PRISONERS IN THE RITD IN VIOLATION OF EQUAL PROTECTION AND RELIGIOUS LAND USE INSTITUTIONALIZE PERSONS ACT (RLUIPA) BY RELIGIOUS ACCOMMODATION COMMITTEE & SUPERINTENDENT VINCENT MCKENY.
- 29.) ON 7-23-13, I FILE GRIEVANCE #471373 ABOUT BEING DENIED RAMADAN FEAST EID. INITIAL REVIEW RESPONSE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 30.) ON 8-6-13, I WAS COMPLAINING TO S/O RODRIGUEZ'S SUPERVISORS LT. CLARK ABOUT THE S/O MAKING TERRORIST THREATS AND BECOMING HOSTILE BUT WAS IGNORED AND RODRIGUEZ MADE A ROUND AND TOOK LEGAL DOCUMENTS OFF BAILEY'S DOOR AND DESTROYED THEM OUT OF RETALIATION.
- 31.) ON 8-7-13, I FILE GRIEVANCE #473206 AGAINST RODRIGUEZ STEALING & DESTROYING LEGAL DOCUMENTS. INITIAL REVIEW RESPONSE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 32.) ON 8-14-13, DEFENDANTS CAPT. MILLER, LT. CLARK, SGT. CLAUDFELTER DENIED ME THE RIGHT TO MINI LAW LIBRARY, YARD, SHOWERS OUT OF RETALIATION FOR COMPLAINING ABOUT MY MUSLIM EID FEAST.
- 33.) ON 8-16-13, I FILE GRIEVANCE #474360 AGAINST CAPT. MILLER, LT. CLARK, SGT. CLAUDFELTER DENYING ME MINI LAW LIBRARY, YARD, SHOWERS. INITIAL REVIEW RESPONSE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 34.) I WAS SEEN AT SICK CALL BY PA NICOLE BOGUSKOW FOR BLEEDING OF MY "SE TEN" IN THE INSIDE & OUTSIDE BUT WAS DENIED INTENTIONALLY SERIOUS MEDICAL TREATMENT.
- 35.) ON 9-9-13, I FILE GRIEVANCE #477221 ABOUT BLEEDING RECTUM AND TARIK KELLEY REJECTED GRIEVANCE, SUPERINTENDENT'S & FINAL APPEALS DENIED.
- 36.) DEFENDANT JOHN E. WETZEL, SECRETARY AND HIS STAFF IS KEEPING BAILEY UNKNOWINGLY RESTRAINED TO PA DOC CUSTODY WITHOUT NO DC-300B (COURT COMMITMENT FORMS) IN VIOLATION OF 42 P.S. 59764 AND DC-ADM 11.5.1.

- 37.) ON 7-28-13, I requested from the DOC Right To Know Law To Produce Documents which was denied on 10-3-13 and Defendant Michelle Hoback Records Supervisor signed attestation of Nonexistence of DC-360B, DC-ADM 11.5.1.
- 38.) Bailey states by keeping him locked up for the past (26) years unlawfully he has been tortured, assaulted, abuse base on fraudulent records.
- 39.) ON 7-22-13, I file grievance # 479288 about being unlawfully restrained to DOC Custody without the proper documentation. Initial Review Response, Superintendent's & Final Appeals Denied.
- 40.) ON 10-23-13, I file grievance # 483547 about being denied to review my Mental Health Records due to I'm being denied mental health treatment. Initial Review Response, Superintendent's & Final Appeals Denied.
- 41.) ON 11-7-13, Yo Houch, Yo Burrows, Yo Wisenok, Sgt. Greene come in Bailey's Cell and destroyed his legal Papers, (9) Books, (15) Personal Pictures, Comb, Etc...
- 42.) ON 11-8-13, I file grievance # 486033 about destroying property. Initial Review Response, Superintendent's & Final Appeals Denied.
- 43.) ON 11-12-13, Superior Court of Pennsylvania denied Bailey's Appeal to his "Life Sentence" Criminal Due To They Sent A Court Order dated 8-10-12 from Allegheny County in which Bailey did not receive due to staff interfere of legal proceedings.
- 44.) ON 11-21-13, I file grievance # 489005 about being denied access to courts. Initial Review Response, Superintendent's & Final Appeals Denied.
- 45.) ON 12-3-13, I file grievance # 488902 about being denied serious medical treatment, to skin disease, special diet, vomiting, food, bleeding rectum. Initial Review Response, Superintendent's & Final Appeals Denied.
- 46.) ON 12-3-13, 12-12-13, Defendants PA Davis, PA Boguski, CHA Martino stealing money off Bailey's account for medical Co-pay fees for chronic problems violating DC-ADM 826, 37 Pa. Code § 93.12 and without a hearing.
- 47.) ON 1-2-14, I file grievance # 492632 about stealing money. Initial Review Response, Superintendent's & Final Appeals Denied.
- 48.) I sent out legal documents requesting a attorney's assistance in challenging my conviction & sentence but legal mail return to sender wrong address.
- 49.) ON 3-4-14, I received retaliatory-fabricated misconduct # A724686 from Defendant Yo Heistand for complaining about he not following Policy DC-ADM 803 and confiscating my legal documents when Bailey had a deadline. CIR# No. B437468, B 202499.
- 50.) ON 3-10-14, Defendant Rhonda Tomcavage denied Bailey his right present evidence, videotape & Affidavit by Terry McNelis who sent legal mail out in violation of his Substantive Due Process.

- 51.) ON 3-4-14, I file grievance # 501366 about 16 Heistand confiscating legal documents and denial of access to courts. Initial Review Responses Superintendent's & Final Appeals Denied.
- 52.) ON 3-19-14, Defendant 16 Emerich wrote Retaliatory-Fabricated misconduct # A734667 for Bailey complaining about receiving Blood Pressure medication.
- 53.) Defendants Emerich & Capt. Steeler denied Bailey his food trays, yards showers, mini low library for (3) days in violation of 6.5.1 & DOC Code of Ethics. Plaintiff Request Compensation, Punitive Damages, Injunction Relief, Trial & Jury.
- 54.) Defendants Fields, Ritchey Personally Denying me "Contact Visits" Out of Retaliation For Complaining About Their Unprofessional Conduct Violates 1st 8th, 14th Amendments.
- 55.) Defendants Vernon Miller, Lussanar Denying "Contact Visits" Out of Retaliation For My Past History of Filing Lawsuits Violates 1st 8th, 14th Amendments And Requires Injunction.
- 56.) Defendants Howard Zalkowich Stealing/Destroying legal & Personal Property Out of Retaliation For Complaining About Assaults Violates 1st 8th, 14th Amendments.
- 57.) Defendants Davis, McCauley Stealing Money Off Account Violates 1st, 8th, 14th Amendments.
- 58.) Defendants Davis, Boush Denying Medical Treatment Violates 1st, 8th, 14th Amendments.
- 59.) Defendants Vernon, Miller, Lussanar, Conspiring And Committing Fraud To Make-Up To Assaults Violates 1st, 8th, 14th Amendments.
- 60.) Defendants Leonard, Robney, Daniel, Schmidt, Andrews, Acciston, Ross, Clauette, Chatter, Dambrowski, Schullock, Assaulting me Violates 1st, 8th, 14th Amendments.
- 61.) Defendants Fields, Ritchey, Strachan, Watching Guards Assault Bailey And Failure To Intervene And Failure To Protect Violates 1st, 8th, 14th Amendments.
- 62.) Defendants Jackson, Lege, Destroying Legal Documents Out of Retaliation Violates 1st, 8th, 14th Amendments.
- 63.) Defendants Kilmer, Clark, Dennis, Murrey, Capt. Miller, Reiles, Everard Denying me Access To Courts Violates 1st, 8th, 14th Amendments.
- 64.) Defendants Allen, Davis Writing Retaliatory-Fabricate Misconduct Violates 1st, 8th, 14th Amendments.
- 65.) Defendants Kerns-Barr, Tancavage Denying me To Present Evidence Violates 1st, 8th, 14th Amendments And Substantive Due Process & Equal Protection.
- 66.) Defendant Rodriguez Destroying Legal Documents Out of Retaliation Violates 1st, 8th, 14th Amendments.
- 67.) Defendants Madney, Religious Accommodation Committee Denying Ramadan Eid Feasts To Muslims Violates 1st, 8th, 14th Amendments.
- 68.) Defendants Capt. Miller, Clark, Clauette Denying me Mini Low Library, Yards Showers Out of Retaliation Violates 1st, 8th, 14th Amendments.

- 63) Defendants Heistand, Emery Writing Retaliatory-Fabricated Misconducts Violates 1st, 8th, 14th Amendments.
- 70) Defendant Heistand Confiscating And Destroying Legal Documents Violates 1st, 8th, 14th Amendments.
- 71) Defendant Volz Keeping Me Unlawfully Restrained To DOC Custody Violates 1st, 8th, 14th Amendments.
- 72) Defendants Volz, Kashin, Martino Denying Mental Health Records Violates 1st, 8th, 14th Amendments.
- 73) Defendants Hutch, Rubrows, Wisenard, Leone Destroying Property Violates 1st, 8th, 14th Amendments.
- 74) Plaintiff Being Denied His Constitutional Rights By Defendants Violates 1st, 8th, 14th Amendments.

DATE: ~~07/05/17~~

Demetrius Bailey CP 7819

Certificate of Service

I, Demetrius Bailey Herby Certify That This ~~07/05/17~~ day of ~~July~~, I Am Serving Persons Below Via First Class Mail:

Attorney General
15th Floor, Strawberry Square
Harrisburg, Pa 17120

DATE: ~~07/05/17~~

Demetrius Bailey CP 7819
~~07/05/17~~
~~07/05/17~~
~~07/05/17~~

Name Demetrius Bailey
Number CP 7319
Unit/Side HB 23
10745 Route 18
Albion, PA 16475-0002

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HARRISBURG, PA

JUL 05 2017

[Signature]

Clerk's Office

U.S. District Court

228 Walnut Street

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Harrisburg, Pa. 17108

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